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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,963	09/22/2003	Satoru Inarida	648.43135X00	4963

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,963	Applicant(s) INARIDA, SATORU	
	Examiner Robert J. McCarry, Jr.	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Appeal Brief filed on 11/28/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 6,591,758).

Kumar discloses a railway car drive system comprised of a first railway car, shown in figure 3, having a power generation means 102, a power converter 106 and a plurality of driving motors 108, a second railway car, also shown in figure 3, having a power converter 306 and a plurality of driving motors 308, and also a second power generation means 302. The driving motors use power from the generation means 102, 302 of each car to operate the respective driving motors. A power storage means is also incorporated into the system. The figures show the energy storage means to be mounted on a separate third railcar. However, the disclose states in column 6, lines 32-49 that the energy storage means can be fitted onto the same car with the other aforementioned components. The power storage means are further comprised of various subsystems for collecting energy from the drive system. Rechargeable battery subsystems, flywheel subsystems and ultra-capacitor subsystems are used, as stated in column 5, lines 30-35. The energy storage means collects energy from either regenerative braking of the driving motors 108, 308 or from the power generation means 102, 302 for later use to drive the railway car. The first railway car can then power the second railway car indirectly, through the power storage tender. Power from the first car is stored on the tender and the second car would pull power from the tender. Therefor indirectly being powered by the first car. The system is further comprised of a power management system 502 for controlling the use of energy for driving the railway car. A processor 506 associated with the system uses present or upcoming track conditions to determine power storage and power transfer requirements

as well as possible energy storage opportunities. This system is described in column 10, lines 40-65. Figure 5 shows a block diagram showing energy generation and storage.

Kumar discloses the system as described above. However, Kumar does not distinctly state that an energy management processor is installed on each car. It would have been an obvious multiplication of parts to one of ordinary skill in the art to have installed a processor to each power car so that each car can be monitored separately and therefor not overload a single processor. Also the addition of processors would allow for more efficient control of the power on each car as opposed to a single processor and would allow for the additional processors to back up a single processor in the event of a malfunction.

Response to Arguments

Applicant's arguments with respect to claims 1, 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

As stated in the rejection above, the first railway car indirectly powers the second railway car through the power storage tender. Power from the first railway car is stored in the tender and then pulled from the tender to power the second railway car. Therefore the first railway car indirectly powers the second car through the tender.

Regarding the appeal brief filed, the brief is actually a non-compliant brief. Had prosecution not been reopened the applicant would have received a Notification of Non-Compliant Appeal Brief (PTO-462). The appeal brief shows a summary of the invention

going into detail of the invention showing advantages of the invention over the prior art. The correct heading should read "Summary of Claimed Subject Matter" instead of the present "Summary of Invention". Also the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawing, if any, by reference characters. This information is simply for the applicant's reference for future appeal briefs filed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert J. McCarry, Jr.
Examiner
Art Unit 3617

RJM
December 9, 2005



S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600